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### A PAPER

ADDRESSED BY THE COMMITTEE

REPRESENTING THE



# Diocese of New Jersey,

TO

### THE BISHOPS

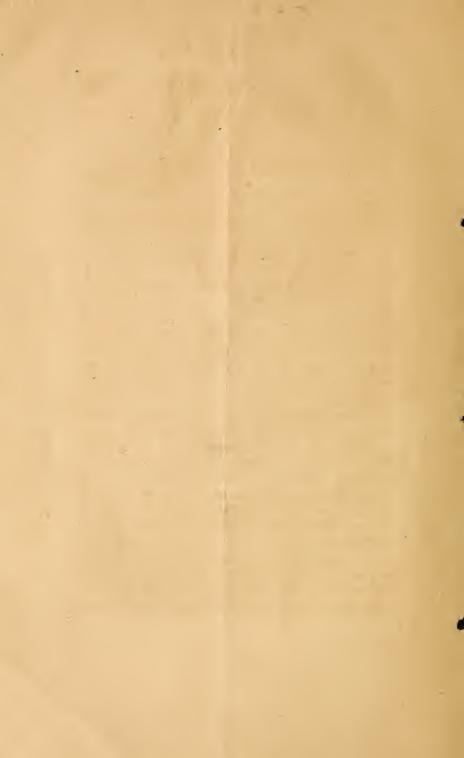
ASSEMBLED UPON THE PRESENTMENT

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The Bishop of New-Iersey,

AT CAMDEN, THE FIRST OF SEPTEMBER,

MDCCCLIII.



## Co the Right Reverend the Bishops

OF THE

#### PROTESTANT EPISCOPAL CHURCH,

ASSEMBLED UPON THE

## Presentment of the Right Reverend George W. Doane.

BISHOP OF THE DIOCESE OF NEW JERSEY.

RIGHT REVEREND FATHERS:

Again, as the representatives of the diocese which is so deeply interested in the occasion of your meeting, we appear before you, charged with a great mission, and loaded with responsibility: and, we may add, not more impressed with the importance of the duty, than surprised at the necessity which calls us here.

If the Diocese we represent, had been found wanting in the defence of their inestimable rights, the indignant feelings of the Church at large, and the universal sense of a great wrong inflicted, and a usurpation sought to be established, would have knocked for admission at

your doors.

But, the *Diocese*, whose previous conduct you approved, to whom we bore a faithful, accurate report of all that we had done, and to whom you had *referred* the investigation of such

charges in the presentment of the Bishop of New Jersey, read before the Court, as the Convention of New Jersey had not, for want of opportunity, examined—have remained true to their responsible position, and have sent us back again, in this strange crisis of affairs, to represent their interests, and to assert their rights.

We have said, that we appear before you again, because we recognise in you the same Right Reverend Fathers who were assembled in October last at Camden and at Burlington, in consequence of the Presentment of our Bishop; and the same who must compose all Courts for the trial of your Peers, in our Branch of the one

Catholic and Apostolic Church.

Appearing, as we do, then, before the self same body, only now re-assembled, whom we had the honor to address before, and supplied, as all of you have been, with every document required to inform you of the history of the entire case—we feel that more than the recital of the authority by which we act, and the narrative of the proceedings of New Jersey in compliance with your reference, will not be needed to put you in possession of the facts.

You will find, when we recite the resolutions of New Jersey, that we are charged with the duty of submitting to your Body the evidence in relation to the matters which were so referred by you—which evidence was promptly taken by the Diocese in full redemption of the pledge, (both their's and ours,) and which so proved the falseness of one of the charges (which seemed

to have been added to the substance of the first presentment only to give the second one the title of a new,) that it has never been repeated! And the fact of its entire omission from the third presentment, (which is the occasion of your being now assembled here,) may be noted, as a testimony to the fairness of the Diocese, the thoroughness of their investigation, their since-

rity, their honor, their integrity.

We have not touched, as yet, the grounds on which we shall protest against your further action in the premises; but, after this brief opening, in a case of so much moment, we proceed to quote the resolutions of our own Convention, (whose purpose we shall labor to fulfil,) and then, as rapidly as may be, make our firm and respectful remonstrance, and leave you, with what we know to be a secret history of the case. This last may serve to throw some light upon your duty, as it has helped to guide us in the impartial course we have pursued.

When you were last assembled, in October, 1852, then summoned by the venerable senior Bishop, who is now no more; and when the second presentment was before you, you heard our statement of the case—and heard the labored argument which was submitted in reply—and, in view of the construction of the Canon, which was claimed; and, in view of the past action of New Jersey, in strict accordance with the sound construction of that Canon, and in prompt discharge of their own duty—you

Ordered, that, whereas, previous to the making of the presentment, now before this

Court, the Convention of New Jersey had investigated most of the matters contained therein, and had determined, that there was no ground for presentment; therefore, as to the matters thus acted upon by said Convention, this Court is not called upon to proceed further.

This Order settled the interpretation of the Canon—and recognised a right upon the part of every Diocese which we shall, subsequently,

claim.

But, inasmuch as there were some additions to the charges of the first presentment (the only one the diocese had ever seen,) in the one which had been read before you, and the diocese was summoned shortly to assemble, and stood ready to investigate whatever might be new; and we, as their Committee pledged that they would faithfully perform the duty which devolved upon them by the Canon—you desisted from proceeding further, and referred the charges which were new, to be investigated by the Diocese, as they had searched into the old.

Here, too, you recognised a right in every diocese, which, if you shall decide there is

occasion, we shall subsequently claim.

The Church rejoiced, with us, at your decision. All men, unprejudiced, rejoiced, with us, at the decision. It found approval in the minds of good men, who are living as those who are to die. It met the approving smile of justice. It received the sanction of the Canon Law. It was endorsed by common sense. It was allowed by mercy. The upright portion of the world, thought it was well. And New Jersey, with a

heartiness which testified her interest, and her sincerity, with nearly all her sons, united in a common burst of joy! They felt, their conduct was approved. They felt, their rights had been asserted and allowed. They felt, that they were trusted, though assailed! They felt, their motives were endorsed, although they had been so cruelly impugned! There was a satisfaction evident on every side, throughout the diocese and we point you, for its tokens, not to the bitter publications of the dissappointed few, nor to the secret circulars of such as dared not risk the open light of day—but, to the warm hearts, and homes and hands which greeted the accused; and to the throngs who sought for Confirmation; and to the crowds of worshippers who followed him to holy places; and to the Deacons, and the Priests, and to the Churches, all by him made consecrate to God! With charitable, christian confidence in his entire innocence. they waited for the verdict of the Court. After your action, and the acquittal by the diocese, they rushed to get his benediction: they received him everywhere with open arms! He has been, since then, in labors more abundant than before—in labors far more numerous than theirs, who have had time to pursue him in his devotion to his duties, to mar his peace, and to disturb the Church.

We made report of your decision. We told the Diocese, assembled in Convention, of the pledge. They met it. They re-appointed the Committee of investigation. They referred to them whatever you had said, had not yet been examined. They fixed a time for the receiving the report. They waited for the testimony to come in, either to send, to you, the grounds of their acquittal, or, by their presentment, to give you grounds for going on. And who can doubt, but they, who, from the first, have been intent upon his ruin, that if there had appeared to be a just occasion for presentment, the diocese would have insisted on his trial? It is our own persuasion, that the charitable are most true—and that the merciful are not less just, when weeping

over that they feel compelled to do.

We submit to you, herewith, the Journals of the Conventions of New Jersey, which contain the testimony which was taken, the resolutions of that body, and "the Statement and Vindication of the Diocese of New Jersey, in the case of Bishop Doane." These documents, although they have been sent to every Bishop in the Union, we now officially submit to your Body. The result of the investigation of the charges which had been preferred, was such as to secure the adoption of the resolutions which will be submitted in the Journal, to cause in every candid mind conviction of his innocence.

Well might the Diocese rejoice, again, that every charge had been refuted, and hope, at last, for peace. The first investigation, by the Diocese, had been approved by a Court beyond which there is no appeal—and the duty which had been imposed upon, or rather left them, by that Court, had been discharged, without the least discovery of any cause for trial. And the Diocese had reason to conclude that your autho-

rity, and her own lawful action, had put the

thing at rest.

But, at the last regular Convention of New Jersey, we were informed officially, that a third presentment had been made—made after complete investigation—made after the showing of his innocence—made after your own enlightened action—made in the face of judgment.

We will not enter further, now, into the history of this transaction. But, we respectfully submit, that there was no right to call you back, for trial of the very matters which you had disposed of, and either to reverse, or to

confirm the judgment you had given.

If, at this present moment, this Court possessed and exercised the right to review their judgment—to open an adjudicated point—and should conclude the matter adverse to the wishes of the plaintiffs, you might be called again, and yet again, till sickness, or indispensible engagements, or weariness of an unchristian warfare, should so change the Court, that the judgment might be altered and the ruin of the innocent be wrought!

After a proper reference to a Committee, the following preamble and resolutions were adopted by the Convention of New Jersey, by a still larger vote, and with almost unanimity—viz.:

Whereas, This Convention has ascertained, that the Bishops of Virginia, Ohio, and Maine, have addressed, to the Senior Bishop, a Presentment, against the Bishop of this Diocese, dated on the 25th day of February, A. D. 1853, and the Senior Bishop has summoned a Court of

Bishops, to assemble at Camden, in this Diocese on the first day of September next, apparently with a view to proceeding with the trial of our Diocesan, under said Presentment.

And, Whereas, The present is the third Presentment against the Bishop of this Diocese, substantially, for the same alleged causes of complaint, which has been preferred by the

same Presenters.

AND, WHEREAS, The first of said three presentments was withheld from the Court of Bishops, and was superseded by and merged in the second Presentment, and was subsequently refused to be entertained by the Court, when again preferred by the Presenters, and the second of the said Presentments was duly considered by the Court of Bishops, summoned for the trial thereof; which Court assembled at Camden on the seventh day of October, A. D. 1852, and subsequently met by adjournment at Burlington, in this Diocese, and the said Court declined to proceed further in the matter thereof, because this Convention had, previous to the making of the said Presentment, investigated most of the matters contained therein, and had determined that there was no ground for Presentment; and because further, this Convention stood pledged to investigate any charges against its Bishop, presented from any responsible source, and a special Convention had, at that time, been called in reference to the new matters contained in the Presentment, then before the Court of Bishops.

AND, WHEREAS, This Convention truly re-

deemed its said pledge, and did afterwards investigate the said new matters, contained in the Presentment last referred to, which was the SECOND of said three Presentments; and did, at an adjourned special convention, held at Burlington, on the first day of December last, fully exculpate the Bishop of this Diocese from any charge of crime or immorality made against him, and did determine that there were no good

grounds for Presentment.

AND, WHEREAS, The said proceedings last mentioned, were had upon the faith of the above action of the said Court, which had itself disposed of certain of the charges contained in said two Presentments, and had referred the remaining charges therein to the Convention of this Diocese, as the proper tribunal for their investigation. And in the judgment of this body the aforesaid action of the Court of Bishops, was a final determination and adjudication of the matter of said two Presentments, and the same cannot be revived for further action, under the canon of The American Church, upon which said Presentments have been founded: Therefore.

1. Resolved, That the attempt of the said Presenters, again to bring the subject-matter of said charges for trial before the Court of Bishops is a violation of the spirit of the Canon of 1844, entitled, "Of the trial of a Bishop;" a wrong done to the just rights of the accused Bishop, by putting in jeopardy a second time for the same cause, both his reputation and the exercise of his Office; and a direct disregard of the re-

corded decision and judgment of the Court of Bishops, assembled in October of last year.

2. Resolved, That the said attempt of the said Presenters is an infringement of the rights of this Diocese, so largely dependent upon the exercise of his holy office, by its Bishop; and a violation of the good faith, under which it proceeded, consequent upon the decision of the Court of Bishops, to an investigation and disposal of the new charges against its Diocesan.

3. Resolved, That the Diocese of New Jersey had good right in law and morals to suppose, that its peace would not again be disturbed by a renewal of charges, against the Bishop, heretofore investigated, and dismissed, and does most solemnly protest against this renewed

attack upon its privileges.

4. Resolved, That a Committee of seven, be appointed by the Convention, from the clerical and lay members of this body, to appear before the Court of Bishops, summoned to meet in Camden, on the first day of September next, to lay before them, the testimony taken by, and the report of, the Committee, appointed at a special Convention of this Diocese, on the 27th of October last, to investigate the new matters contained in the Presentment, read before the Court of Bishops, assembled on the seventh of October aforesaid, and the action of the adjourned special Convention thereon.

5. Resolved, That the Committee do present, before the Court, the preamble and resolutions of this Convention; and do protest, in the name of this Convention, against any further action,

under the third Presentment against our Bishop; and take such measures, in the premises, as their wisdom and discretion may suggest.

These resolutions convey the sense of the Convention—contain a firm assertion of their rights—and empower us, their representatives, to act. We might feel more distrustful of our own position, and some anxiety be added to the weight of our responsibility, if we did not know that nearly all New Jersey agree in the sentiments we put forth, and that the fire of our zeal and our devotion to the cause of truth, burns less fiercely even, than their righteous

indignation.

In the first place, in close agreement with the substance of the resolutions we have read. and in accordance with the universal sentiment throughout the diocese, and we may say, throughout the better portion of the Church of God, in every land, where the news of this strange proceeding may have gone:—and in the name, worthy of honor and respect, and entitled to authority; in the name of one of the oldest, most prosperous and most harmonious, of all the dioceses—we protest against your further action, touching those charges which have been before you once, and which your action, and the action of the diocese, have set at rest. And we make this protest in regard to every thing in this presentment which, in your wisdom, you decide to be identical in substance with the matters which have been in hand.

The Diocese of New Jersey protests against

your further action on those charges, because. she has herself examined, in the exercise of an inherent, and acknowledged right — a right acknowledged by the Canon—a right acknowledged by yourselves. And she protests, because so far as you may be concerned, it is a "res adjudicata." You are the self-same Court, who were assembled in October last. You are the Bishops of the true branch of the Church of Christ in our land. You constitute all courts for the trial of your peers. The summons issued is to every one. Absence, from any cause, of any individual Bishop, does not change the character, or nature of the Court. It is the Court of the Bishops of the Church. It is the Court of the Bishops of the Church, in October, or September—in January, or in May. It is the Court of the Bishops of the Church, whether assembled for the trial of new charges, or strangely brought together, for the re-opening of matters which were closed! You are the same Court. And the language of the diocese is this —"Our Bishop has been once arraigned upon these charges. We appeared, and told you that which we had done. You said it was enough. You owned our equal right. You admitted that the case was concluded by that which we had done. You even asked us to go on. We went on, in the examination of whatever there was new. And we now are here, to lay before you the evidence which we have taken, and our own conclusive resolution, that, after enquiry made, we find no cause for his presentment. You asked us to go on with the investigation:

and we now bring the result to you. You are the same. In your opinion, our previous action settled all that it had touched. Our present action settles, therefore, all that had been left."

If any thing were wanting to complete the full adjudication, and the perfect closing of the case, it is supplied by the opportunity afforded by the calling of this court—for, having had assigned, or left to us, the labor of investigation, we are here with our return! And, that return still more concluding the action on the later charges, than the former investigation on the first, because the evidence was still more overwhelming. But, even if the question should be mooted, and the theory adopted that you are not the same, and that the court which was assembled in October, was dissolved by its adjournment then, you would be still precluded from re-opening a case, which by a former Court of equal power, had been closed.

Unless, then, there be something in this new presentment, which was not embodied in the

old, we insist that the case is ended.

With the most patient care—the second and the third presentments have been collated—and they are thought to be substantially the same—perhaps, so varied, (as the first and second were,) as that ingenuity may suggest that they are not the same. We think you will regard them as identical. And, being governed by your past decision, and the rules of charity and law, you will dismiss the case at once.

But, if you shall decide that these are matters in the third presentment, so different from the

rest, and so important, and so real, as to demand the labor of investigation; then, we claim (what has already been conceded, and can never, with any reason, be denied,) that they should be referred, for their investigation, to the Diocese. This course, which has been ruled by your decision, even if new matters have been foisted in, to serve a purpose or to gain an end, relieves you of the necessity of going on. If you shall say, there still are matters which have been subjected to no scrutiny, we pledge the diocese now summoned to assemble in Convention, for whatever may turn out to be its duty or its destiny, we pledge the diocese to act, in that case, as in any other, as becomes a household of the faith, and as becomes her past career, and as becomes her blood, and as becomes the not inglorious fame which she has won! Her members have already given time from every sacred calling; and lavished means, which might have been expended on the wretched, and the homeless and the poor, to serve the cause of innocence and truth, and be upon their post: and sleepless enmity has had it in its power, to try, and to afflict the good. But, we pledge you, that if need be, they will still devote all, but that jewel, which is lightly prized of some, all but their honor, to do justice to the cause of honesty, to the Bishop of New Jersey, and to you.

It has been said, that we are seeking to avoid a trial. Our Bishop has been tried: he has walked, in and out, of an ordeal that few men could bear: tried and found, in public esti-

mation, guiltless of the charge: tried, by his diocese; tried, by the honorable men, Trustees and Proprietors of both the beneficent and religious institutions he has reared: tried, by yourselves—if trial be the ascertaining of the truth: tried, by that private sentiment, indigenous to every mind, by which, unshackled by the technicalities of law, actions are ever tried,—and, lastly, tried, by the providence of God, which, has thrown into his way, more opportunities of blessings than before—has multiplied the children of his fold—has laid more corner-stones—has reared more temples to God's praise!

It is said, that we are seeking to avoid a trial. If it be meant, that, by a trial, he, though innocent, shall be surrendered to his enemies, then, we oppose it. If it mean the scandal of a public trial—where every enemy, for every cause, can fabricate his charges, and send them, on the pinions of the press, to every country and to every clime, where, it may be, in many instances, the refutation will not reach—and fill the public mind with foul suspicions, and the public tongue with false assersions, and the public press with judgments which are false—then, we resist it. The truth being ascertained, by lawful means, we hold that he is tried. Others hold that he has not been tried, because he has not been condemned!

Right Reverend Fathers, why should such special pleading, such tampering with sacred duties, and with sacred offices, and with the sacred rights of others, be allowed? Why should an unrelenting malice be permitted to

so use the technicalities of language, and the ambiguities of an imperfect law, as to endanger the fair fame, and the existence of a man, who has his enemies, because he has been great; and the fiercer enemies, because he is uninjured—and is hated, because he has been sanguine, and is brave? Why should the sleepless enmity of a mere handful of men, be suffered so to distract the minds, and to disturb the peace of a whole diocese, and to put in jeopardy what we hold dear.

Gathering its contributions as the stream rolled on, this opposition began in wounded vanity, in mortified ambition; and the waters, as they flowed, increased in bitterness, from every "root of bitterness" they touched, on either shore!

It is true, that, disappointed in his expectations of assistance, in carrying on the two great institutions which he had begun, the Bishop of New Jersey failed, as business men would say failed, not in doing good, for, from those institutions have gone forth no small proportion of those who are to be the jewels of the land. and from whose influence much good may be anticipated to the Church of Christ—but failed, to meet the promises which he had given in good faith. And it is charged, by his opponents, that he failed dishonestly, and that in his transactions there were unworthy dealings," which were proofs of his impiety. And the idea which they would seek to spread, is this, that the opposition began with his misfortune; and that their effort is, to bring a guilty man to trial

and to condemnation; and that they are, or have been until now—yea, that they still are the friends of Bishop Doane; and that, their pure and righteous feelings were so roused, by the mere story of his criminality, that most reluctantly, in sorrow and in tears, they have been driven to go on! And, probably, the most of what are called the Christian world, suppose that they who thus pursue him are honest—are pious —are sincere—and have a love of honesty, and are absorbed in pious duties, and would take a greater pleasure in the shewing of his innocence, because he is a minister of Christ, than in the proving of his quilt. No doubt men look upon it so, and after ages of the Church may be deceived, unless we put on record our impression of its history, and give to this persecution, of a noble and laborious man, the character which it deserves.

No doubt, Right Reverend Fathers, you have been yourselves deceived. There may be some of you who still are thinking that this effort, of some persons of New Jersey, is all right.

Many may think this prosecution is felt to be a painful duty to the Church of Christ. The Church shall not be ignorant of what we think

to be the truth.

The opposition, in its sources, began before the misfortunes of Bishop Doane. Began, we think, at least twelve years ago. Began in a fancied slight. Began in wounded vanity. The opponents watched, and waited, for some opportunity of injury. They heard, at length, of his embarrassments. They prognosticated he would

fail. They may have helped, by their advice, to keep from him supplies, on which he had depended They talked upon the corners of the street, and in the houses of parishioners. They opposed him in Convention, but could gain no friends. At length a sickness came, almost unto death. Our Bishop was brought low. He was stripped of the power to act, and then the failure came. He failed, from disappointment. He failed like any other honest, over sanguine man. But, matters could be distorted. The opportunity must not be lost. The thing was talked about. The records of the county were consulted. Several attempts were made to get the Grand Jury to indict him. Personal solicitations were tried repeatedly to get the larger creditors to act. Speeches were made in the Convention, but no charges presented, for which any one was willing to be held re-The Convention stood ready to sponsible. investigate his conduct, whenever proper accusations should be made. It was openly acknowledged by them that nothing could be done in the Convention of New Jersey. Why? They knew him. They had heard the echoes of the tongues of scandal. They knew that like many another upright man, he was accused. They knew enough of his whole life, and of his character, to disbelieve the lie. Their manliness, their dignity, their self-respect, forbade their hearing charges which were not canonically brought. And, the confidence of a whole Diocese, ought to outweigh the interested slanders of a disappointed few.

Here the matter should have rested. and it had been better for the future peace of some if it had rested here. But the object was not accomplished. Laymen were brought in. After some searching, four were found to sign a paper full of charges, which, however, was not offered in Convention.

We have heard, that nearly eighteen months were spent in consultation, and in correspondence with the Bishops who were thought to differ in their sympathies, from Bishop Doane, before three could be found, who would present him.

This was the turning point. If they had failed to procure assistance from abroad, they had soon sunk down into contempt. Encouraged by the obtaining of three Bishops to assist them, they went on.

The rest of this strange history is known. It is written in the records of the Court assembled in October last, and in the Journals of the Con-

ventions of New Jersey.

We believe the object sought is, not the truth,

so much as degradation.

There is much that might be added of the more recent history of this transaction—but, we forbear to dwell on much that we have heard—and, we shall only state two facts of

strangest import.

One is, that these opponents of Bishop Doane, from the pure love of God, and their desire to ascertain the truth, (like those good friends of the Apostle Paul, who bound themselves by oath, neither to eat, nor drink, till they had killed him) — before the first present-

ment of the Bishop, had secret meetings, when the attendants bound themselves not to reveal what should occur, to further Bishop Doane's salvation! Secret meetings! of members of a Church, of Presbyters and laymen, about their Bishop! Secret meetings of the "friends" of Bishop Doane, without his knowledge, to procure his trial! Secret correspondence! with only those who were known to be his enemies, to secure a meeting of his "friends!" Secret meetings of his friends, without informing him! Secret meetings, of his friends, where not a single one of all who loved him was invited! Secret meetings of his friends!—when, not a single friend has learned what there occurred! They met at Trenton. They met there more They met, by an appointment. than once. They met, in the dark. To this day, the object of their meeting, and the good they meant to do to Bishop Doane, are in the dark. The good they meant to do to Bishop Doane, will be forever in the dark. And, we denounce their meetings; which, aiming at his trial, and his degradation, were so carefully concealed from him! If they had loved him, they would have told him. If they had sought to aid him, they would have asked his acquiescence. If they had sought to help him, if they had been his friends, they would not have kept it, as they still do, from the Church, and from the world! Secret meetings! May you never have such friends!

The other fact, is this, that though, as we have been most credibly informed, the determination to present again was adopted on the day

after the adjournment of the Court in last October; yet, a paper was drawn up, and copies of it circulated to obtain the signatures of those they could beguile, asking to have a trial! and this request, so manufactured after the determination to present had been adopted, was to be the justifying cause of the presentment! And that paper, purporting to emanate from friends of Bishop Doane, no friend of his, no one whom we could call a friend, no one whom he would own to be a friend, has ever seen! The Convention called for it in vain. We have asked for it, in vain. We cannot see it now—now, that it has served its purpose! now, that the presentment has been made! This also shuns the light! Why hide it? Why not let him see it, with whose interests it deals? And, why not, if it be an honest, and a righteous enterprise, do all things openly?

Right Reverend Fathers, in the name of many people of the Church, whose shepherds you now are; in the name of a Diocese still unsubjected: in the name of truth and justice, and of canon law, and in that mightier name of Christian charity,—we protest against your further agitation of this matter, your further hearing of these enemies of peace—your opening of

a "res adjudicata."

The truth has been made manifest, by more than one investigation. The claim of justice has been answered, although our Bishop has not been condemned—and patience has had "they perfect work!"

"her perfect work!"

Futhers—with great respect, and with great

confidence, we leave you.

Fathers—the eye of God is on us still, the eye of Him to whom we have to answer at the last! When we appealed to Him before, He blessed us, with a wise decision—and by the grateful offices of one whom we yet love!

Samuel L. Southard, James A. Williams, Harry Finch, Charles W. Rankin, E. B. D. Ogden, J. W. Miller, D. B. Ryall.

Camden, September 1, 1853.







